

THE HONORABLE JACK E. TANNER

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

GERALD G. CHRISTMAN,
a/k/a JERRY CHRISTMAN

Defendant.

NO. CR03-5355JET

FINAL ORDER OF FORFEITURE

This matter comes before the Court on motion of the United States for entry of a Final Order of Forfeiture with respect to the real property commonly known as 5727 S.W. Old Clifton Road, Port Orchard, Washington, and more specifically described as follows:

THAT PORTION OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER, SECTION 7, TOWNSHIP 23 NORTH, RANGE 1 EAST, W.M., IN KITSAP COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT ON THE NORTH LINE OF S.W. CLIFTON ROAD (PORT ORCHARD-BELFAIR COUNTY ROAD), WHICH IS 360 FEET EAST OF THE EAST LINE OF SUNNYSLOPE COUNTY ROAD AND THE TRUE POINT OF BEGINNING; THENCE CONTINUING EAST ALONG SAID S.W. CLIFTON ROAD (PORT ORCHARD-BELFAIR COUNTY ROAD), 183 FEET; THENCE NORTH 58° EAST TO THE EAST LINE OF SAID SUBDIVISION; THENCE NORTH ALONG THE EAST LINE OF SAID SUBDIVISION TO THE NORTHEAST CORNER THEREOF; THENCE WEST ALONG THE NORTH LINE OF SAID SUBDIVISION TO THE NORTHEAST CORNER

1 OF THE PLAT OF SECOND ADDITION TO VICTORY
 2 HEIGHTS, ACCORDING TO PLAT RECORDED IN
 3 VOLUME 10 OF PLATS, PAGE 17; THENCE SOUTH
 4 ALONG THE EAST LINE OF SAID PLAT AND SAID
 5 EAST LINE CONTINUED TO THE TRUE POINT OF
 6 BEGINNING; EXCEPT THAT PORTION CONVEYED IN
 7 STATUTORY WARRANTY DEED RECORDED
 8 FEBRUARY 16, 1965 UNDER AUDITOR'S FILE NO.
 9 841440; AND EXCEPT THAT PORTION ON THE SOUTH
 10 FOR S.W. CLIFTON ROAD.

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 PARCEL NUMBER: 072301-2-010-2005

On February 26, 2004, the Court entered a Preliminary Order of Forfeiture with respect to said property. The property was subject to forfeiture pursuant to Title 21, United States Code, Section 853, because defendant Gerald G. Christman pled guilty to Manufacturing Marijuana in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B). Based upon the plea agreement, the pre-sentence investigation and other files and records herein, the Court finds that defendant Gerald G. Christman had interest in the said property that is forfeitable under the above cited statutes.

Pursuant to Title 21, United States Code, Section 853(n), the United States published notice in the Daily Journal of Commerce on March 17, March 24, and March 31, 2004 and in the Port Chard Independent on March 24, March 31, and April 7, 2004 of the Preliminary Order of Forfeiture and of the intent of the United States to dispose of the properties in accordance with law. This notice further stated that any person other than the defendants having or claiming an interest in the property was required to file a petition with the Court within thirty (30) days of the final publication of the notice or personal receipt of the notice, whichever was earlier, setting forth the nature of the petitioner's right, title and interest in the property.

On or about May 26, 2004 Claimant Merna L. West filed a Motion to Pay Ancillary Third Party, claiming a lien interest in the above described real property. On September 20, 2004 the United States and Claimant Merna L. West entered into a Stipulated Settlement Agreement. On September 22, 2004 the Court approved the Stipulated Settlement Agreement, wherein upon entry of the Final Order of Forfeiture

1 forfeiting the above-described property to the United States and the sale of the property,
 2 the United States will pay Merna L. West all unpaid principal due, that is \$63,741.67; all
 3 unpaid interest in the amount of \$20,432.26 (unpaid interest to May 16, 2005) and interest
 4 accruing at \$31.43 per day from May 17, 2005; and Attorney fees of \$3480.00 and costs
 5 of \$515.50.

6 Based upon the above, the third party petition which was filed herein has been fully
 7 resolved. No other petitioners have come forth to assert an interest in the forfeited
 8 property. Accordingly,

9 IT IS ORDERED, ADJUDGED and DECREED that the following property seized
 10 from Gerald G. Christman is hereby fully and finally condemned and forfeited to the
 11 United States in its entirety:

12 The real property commonly known as 5727 S.W. Old Clifton Road, Port Orchard,
 13 Washington, and more specifically described as follows:

14 THAT PORTION OF THE SOUTHEAST QUARTER OF
 15 THE NORTHWEST QUARTER, SECTION 7, TOWNSHIP
 23 NORTH, RANGE 1 EAST, W.M., IN KITSAP COUNTY,
 WASHINGTON, DESCRIBED AS FOLLOWS:
 16 BEGINNING AT A POINT ON THE NORTH LINE OF S.W.
 CLIFTON ROAD (PORT ORCHARD-BELFAIR COUNTY
 17 ROAD), WHICH IS 360 FEET EAST OF THE EAST LINE
 OF SUNNYSLOPE COUNTY ROAD AND THE TRUE
 18 POINT OF BEGINNING; THENCE CONTINUING EAST
 ALONG SAID S.W. CLIFTON ROAD (PORT ORCHARD-
 19 BELFAIR COUNTY ROAD), 183 FEET; THENCE NORTH
 58° EAST TO THE EAST LINE OF SAID SUBDIVISION;
 20 THENCE NORTH ALONG THE EAST LINE OF SAID
 SUBDIVISION TO THE NORTHEAST CORNER
 21 THEREOF; THENCE WEST ALONG THE NORTH LINE
 OF SAID SUBDIVISION TO THE NORTHEAST CORNER
 22 OF THE PLAT OF SECOND ADDITION TO VICTORY
 HEIGHTS, ACCORDING TO PLAT RECORDED IN
 23 VOLUME 10 OF PLATS, PAGE 17; THENCE SOUTH
 ALONG THE EAST LINE OF SAID PLAT AND SAID
 24 EAST LINE CONTINUED TO THE TRUE POINT OF
 BEGINNING; EXCEPT THAT PORTION CONVEYED IN
 25 STATUTORY WARRANTY DEED RECORDED
 FEBRUARY 16, 1965 UNDER AUDITOR'S FILE NO.
 26 841440; AND EXCEPT THAT PORTION ON THE SOUTH
 27 FOR S.W. CLIFTON ROAD.

28 PARCEL NUMBER: 072301-2-010-2005

1 The United States Marshals Service is authorized to dispose of the above listed
2 property in accordance with the law.

3 The Clerk of the Court is hereby directed to send a copy of this Final Order of
4 Forfeiture to all counsel of record and send three (3) "raised sealed" certified copies to the
5 United States Marshals Service in Seattle, Washington.

6 DATED this 31st day of May, 2005.

7
8 /s JACK E. TANNER

9 UNITED STATES DISTRICT JUDGE

10 Presented by:

11
12 /s/ Richard E. Cohen
13 RICHARD E. COHEN
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